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COMMITTEE ON THE RIGHTS OF THE CHILD

Twelfth session

SUMMARY RECORD OF THE 310th MEETING

Held at the Palais des Nations, Geneva,
on Wednesday, 5 June 1996, at 10 a.m.

Chairperson: Mrs. SARDENBERG

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The meeting was called to order at 10.15 a.m.

CONSIDERATION OF REPORTS OF STATES PARTIES (agenda item 4) (continued)

Initial report of Cyprus (continued) (CRC/C.8/Add.24; CRC/C.11/WP.3; HRI/CORE/1/Add.28; replies of the Government of Cyprus distributed without a document symbol)

1. At the invitation of the Chairperson, the delegation of Cyprus took places at the Committee table.

2. The CHAIRPERSON invited the members of the Committee to ask questions on items 10 to 19 of the list of issues (CRC/C.11/WP.3) (general principles, civil rights and freedoms, family environment and alternative care).

3. Mrs. SANTOS PAIS, referring to the principle of non-discrimination, asked for clarification as to the meaning of the phrase "unless there is express provision to the contrary in this Constitution" in paragraph 27 (b) of the report. She noted, furthermore, that in Cyprus children born out of wedlock could not bear the name of the father without his consent, a provision that might lead to de facto discrimination, and she would like to know whether the Government contemplated taking measures in that regard.

4. She was concerned by the rule that adoption was possible only with the parents' consent since that might, for example, prevent the removal of a child from unfit parents, contrary to the best interests of the child. Also, she would like to know how far the views of the child were respected in decisions which affected him, as in the case of disciplinary action at school or a change of name.

5. With regard to children's civil rights and freedoms, the Constitution did, of course, set forth fundamental rights but she wondered what the situation was in practice. In particular, she would like to know whether there were specific provisions guaranteeing children's right to freedom of association and peaceful assembly, in accordance with the aim of the Convention to promote the child's active participation in the life of society. Lastly, she asked whether the Ombudsman had the task of overseeing the situation of children in institutional care or detention and investigating any complaints of ill-treatment.

6. Mrs. KARP, reverting to the question of the definition of the child, asked what the Government's intentions were concerning detainees aged between 16 and 18 years. In the light of rule 11 of the United Nations Rules for the Protection of Juveniles Deprived of Their Liberty, she thought that it would be advisable to raise the minimum age for the detention of juveniles.

7. Mr. MOMBESHORA requested information concerning the effects of the division of the country in terms of discrimination and the measures taken by the Government to combat such discrimination. Referring to paragraph 35 of the report, he asked whether sanctions were taken against persons who failed to declare a child's birth within 15 days, as required by law. Lastly, he

wondered whether there were any moves to abolish the dual procedure of ecclesiastical and lawful adoption described in paragraph 76 (a) of the report.

8. Miss MASON, returning to the point raised by Mrs. Santos Pais concerning the principle of non-discrimination, said that she wondered whether the question was not simply one of citizenship, since in its reply to question 11 of the list of issues, relating to the acquisition of Cypriot citizenship by children, the delegation had indicated that a child born of a non-Cypriot father was not subject to the same regime as other children. She would also like the delegation to answer the question raised at a previous meeting concerning the death penalty. In addition, she wondered how the State guaranteed children the realization of the right to privacy and how it reconciled respect for that right with the principle of parental authority.

9. With regard to freedom of conscience and religion, she would like some information on the content of the courses of religious instruction provided in schools, given the great diversity of religions practised in the country. She would also like to know whether a child capable of discernment could be allowed not to attend such courses. Lastly, did the media take account of the language needs of the children of minorities, in conformity with article 29, paragraph 1 (c), of the Convention?

10. Mrs. BADRAN pointed out that the media and information were very important in ensuring the child's participation in community life. She therefore wondered whether there were any publications or programmes specially designed for children and whether children themselves were involved in making those programmes.

11. Mrs. EUFEMIO said that in judicial proceedings attended by a child welfare officer - for example, in cases involving marital disputes or divorce - there was often collusion against the father, which amounted to sexual discrimination. In the best interests of the child, would it not be possible to arrange for at least two social workers to be present, one representing the husband and the other the wife?

The meeting was suspended at 10.40 a.m. and resumed at 10.50 a.m.

12. Mr. ZACKHEOS (Cyprus), responding to the concerns of Mrs. Santos Pais and Miss Mason, recalled that the Constitution of Cyprus, adopted in a very particular political context, reflected a compromise aimed at guaranteeing the rights of the Turkish Cypriot community. Regarding the status of a child born of a Cypriot mother and a foreign father, the Government was aware that the question raised a problem in law, as mentioned in the report, and the matter was currently under consideration.

13. Concerning religious instruction, in addition to compulsory school education, every child could receive instruction in a church or religious institution of his own faith. With regard to religious minorities, the Armenians had their own schools, while the Maronites, who had chosen in accordance with the Constitution to form part of the Greek Cypriot community, were not required to have religious education at school. The Government was furthermore in the process of creating a school for children of the Turkish

Cypriot community. In any event, as a general rule and in accordance with the Constitution, the Government did not intervene in the religious affairs of the various communities.

14. Discrimination arising from the division of the country did exist in the sense that it was difficult for the inhabitants to move freely throughout the territory and it was true that the rare citizens of Turkish origin who had chosen to stay in the north of the country were subjected to restrictions, in particular in the field of education. With regard to citizens of Turkish origin living in the south, the Government was endeavouring to protect their rights, including their linguistic rights.

15. Ms. PAPAONISIFOROU (Cyprus) said that, with regard to children born out of wedlock, there was no legislative provision allowing a child to take his father's name if the father refused to recognize the child or if the question of his paternity had not been decided by a court. Concerning the adoption procedure, the law allowed the courts to waive the requirement of parental consent in some cases, but that provision had hardly ever been applied in practice. In that connection, the views of the child had to be taken into consideration if he was old enough to understand the meaning of adoption. There were a few cases of children having been placed in new foster families at their request. The Ombudsman was bound to investigate any complaint from a child being monitored by an administrative body such as a placement institution or a public hospital. There were six public institutions and two private institutions providing care for children, which were supervised by the Department of Social Welfare Services.

16. Regarding the question of the detention of children aged 16 to 18 years, there was now a special wing set aside for young detainees in penitentiary institutions, but juvenile offenders were only rarely given custodial sentences.

17. A question had been asked about sanctions taken against parents failing to declare their child within 15 days of birth. To her knowledge, no one had ever been prosecuted for such an offence, which was in any case rare because the parents had every interest in declaring their child, if only to obtain maternity benefits.

18. Children had access to information and participated in its dissemination, notably through the special pages in many newspapers and television broadcasts intended for them.

19. With regard to action by social workers to help resolve family disputes, including problems of child custody, two social workers, one male and one female, were assigned to very difficult cases in the interests of ensuring objectivity. In the more specific case of domestic violence, 10 specialists had been appointed in the country to counsel families when preventive action was called for and the courts did not need to intervene. Lastly, social workers were part of a very structured hierarchy, headed in each district by an official who oversaw their work.

20. Miss MASON recalled the questions she had asked about the child's right to privacy, about the balance that had to be struck between those rights and

the responsibilities of parents and about the dissemination among minorities of the treaty provisions concerning respect for their language, religion and culture.

21. Mrs. SANTOS PAIS agreed with Miss Mason on the importance of achieving a balance between children's rights and parents' responsibilities. Indeed, many States parties did not fully grasp the meaning of article 5 of the Convention.

22. Ms. PAPAONISIFOROU (Cyprus) said that the child's right to privacy was protected in the normal way, to the same extent as the family's right to privacy. Overall, there was a satisfactory balance between the rights and duties of the two sides and a study had shown that, despite some inevitable clashes between parents and children, there was a large degree of mutual understanding.

23. The minorities had full access to information; for example, television programmes were produced once a week by and for the Armenians, and the news was broadcast in Greek, Turkish and English. In addition, the media covered the religious festivals and principal events of interest to minority groups.

24. Ms. MARKIDES (Cyprus) said that there were no minorities as such in Cyprus; the population was made up of two communities - the Greek Cypriot community, which represented 82 per cent of the population, and the Turkish Cypriot community, which accounted for 18 per cent. The Armenian and Maronite communities, which were religious groups and not minorities, had decided to join the Greek Cypriot community.

25. Regarding the question of the death penalty, she wished to inform the Committee that no death sentence had been passed since 1962 and the death penalty had been abolished in 1983, in accordance with her country's treaty obligations. Only high treason still carried the death penalty, but a bill aiming to abolish capital punishment completely was under consideration.

26. Ms. PAPAONISIFOROU (Cyprus) confirmed that ecclesiastical adoption was no longer current practice.

27. Mrs. KARP asked what happened when a child wanted to consult a doctor without his or her parents being present and the parents did not give their permission. In addition, she understood that persons aged 18 and over had cards entitling them to medical care and she wondered what the situation was for persons not holding such cards, whether there were special centres where young people could be examined and be prescribed treatment, and how they were protected against the risk of falling into the hands of incompetent doctors or individuals practising medicine illegally.

28. Mrs. SANTOS PAIS said that she would like more specific information on the freedom enjoyed by children within the family and asked whether children could, for example, join clubs or associations without the consent of their parents, whether children could lodge complaints themselves and whether they could refuse to attend courses of religious instruction. Paragraph 30 of the report stated that "the law requires that a child be placed for adoption only after parents have consented to it regardless of whether they are considered to be permanently unfit to ever provide care and protection to their child".

Parents were, of course, vitally important for a child but consideration should be given to dispensing with their consent in extreme cases, without being guided only by the views of the child, who did not necessarily realize what was in his best interests.

29. Although the registration of a child at birth was compulsory, sanctions should not be taken against parents who neglected that formality. Rather, they should be made to understand that, without a birth certificate, the child did not exist in law and might not enjoy all the rights granted to the citizen.

30. She urged the State party to raise the age of criminal responsibility and to find alternative solutions to the ones offered by the penal system for juveniles, relying, for example, on the social welfare institutions, the family and the community. Lastly, she asked whether the Ombudsman was empowered to investigate complaints of ill-treatment of children in police stations, for example, or in public institutions.

31. Mrs. KARP said that she would like to have information on the very positive proposal to harmonize the various provisions of the law determining the age up to which a person was considered a child. In her view, the case of a young offender aged 16 to 18 should be heard in a juvenile court and not in a normal court, as at present (see paras. 21-26 and 187 of the report).

32. Miss MASON said that she would like to know whether there were many single-parent families in Cyprus and what society's attitude was to single or divorced mothers. It would be useful to know why there were so few recorded cases of violence in the family, including sexual violence. Were the police given special training to investigate such matters or did they think that they should be settled within the family? Also, when the courts dealt with such cases, did they systematically remove the child from the family and, if so, did judges keep in mind that such a measure might increase the child's sense of guilt? She would also like to know why many cases of rape were not reported and whether that was due to the attitude of the police and the medical profession towards the victims, or else to certain conventional ideas about "family honour".

33. Mrs. KARP said that she would like to know how the new Violence in the Family Law was being applied, particularly in cases of incest and violence against women. She regretted that neither magistrates nor the police were represented on the multidisciplinary committee dealing with the question of violence in the family. The delegation might wish to indicate how tasks were assigned within that committee and who decided whether someone responsible for violence in the family should be prosecuted or whether the problem should be resolved by non-judicial means.

34. Mrs. BADRAN said that she would like to know the proportion of fathers and mothers in single-parent families and from what age children studying in the Greek part of the island could visit their families in the Turkish part.

35. Ms. PAPAONISIFOROU (Cyprus) said that, with regard to freedom of association, parents generally allowed their children to join youth organizations, such as the scouts, if they so wished and those organizations

did not require written permission from the parents. Obviously, the decision would be taken by common agreement between the parents and the children.

36. Regarding ill-treatment, children could lodge complaints if they were victims of such practices. A new provision was expected to be added to the Violence in the Family Law allowing family counsellors to arrange, without the parents' consent, for a doctor to examine any child who they had good reason to believe had been ill-treated, and making it their duty to inform the public prosecutor about the case within 24 hours.

37. Courses of religious instruction were compulsory for Orthodox children during primary education and in the first years of secondary education. The children were nevertheless free to express their opinions during those courses.

38. A child could be adopted without the parents' consent only in exceptional circumstances, for example, if the parents were incapable of giving such consent or if they had been divested of their parental authority.

39. With regard to birth declarations, all parents registered their children for the simple reason that nurseries and schools, for example, required a birth certificate. However, it had to be recognized that some parents did not fulfil that duty within the statutory 15 days.

40. On the question of young offenders aged 16 to 18, it should be explained that their cases were examined by a special committee consisting of police officers and social welfare personnel which, having regard to the seriousness of the offence and the offender's personality and family background, made a recommendation on whether proceedings should be initiated to the public prosecutor, who generally concurred with its views.

41. The minimum age of criminal responsibility was admittedly very low and the Government was therefore giving serious consideration to raising it. Nevertheless, it was extremely rare for children under 14 to be brought before the juvenile courts. Juvenile delinquents were generally entrusted to the social welfare services, unless they were serious offenders or recidivists.

42. Cyprus had few single-parent families and it was for reasons independent of their will (death of the spouse, divorce, non-recognition of the child by the father) that some parents, mainly women, had to bring up their children alone. Single mothers were no longer stigmatized as in the past and an association for single-parent families had been created recently. There was no reason to think that children from single-parent families were more prone to delinquency than other children.

43. Regarding sexual violence in the family, including incest, the Government sought to encourage the reporting of such practices both by legislative means and by information campaigns. One non-governmental organization, with financial assistance from the State, had recently held a three-week seminar on violence in the family, with the participation of the police and social workers. The Department of Social Welfare Services and the police had signed an agreement to strengthen their cooperation in fighting such violence and the Council of Ministers had set up an advisory committee for training staff

dealing with the problem. However, social pressure remained very strong and much still had to be done to convince women and children to report such practices. Lastly, only the courts had the power to order the removal of a child victim of violence from his home, although the parents could appeal against such a decision. In some cases, the authorities might decide instead to intervene therapeutically in the family of the victim.

44. Ms. MARKIDES (Cyprus) said, in reply to Mrs. Badran's question concerning children of Cypriot families located in the territories occupied by Turkey, that girls over 16 and boys over 18 were no longer authorized to join their families in the occupied area, which meant that the families were separated.

45. The CHAIRPERSON invited the members of the Committee to ask any further questions they might have on items relating to special protection measures in the list of issues (CRC/C.11/WP.3).

46. Miss MASON said that she would like to know what institutions catered for girls over 14 who were victims of abuse in the family and whether there was any follow-up of their placement in foster care. With regard to adolescents who became pregnant, she wondered whether a correlation had been established between their situation and the number of suicides among young people and how society looked upon those adolescents.

47. Mrs. SANTOS PAIS said that the views and best interests of the child should be taken into account in the legislation and practice concerning adoption. With regard to compulsory religious instruction at school, in her view it was important that religious instruction should be provided not only to Orthodox Christians, who were in the majority in Cyprus, but also to groups of different religions. Had such measures been considered to promote religious equality?

48. Mrs. KARP congratulated the Government of Cyprus on having passed legislation against child abuse, thereby recognizing the existence of the problem. She would like to know whether, for example, there were television programmes to raise public awareness in that regard and whether child victims of abuse were helped to testify before the courts.

49. She would also like to know whether the Government was doing everything possible to resettle and reintegrate displaced families, whether surveys were made in that area and whether the children of displaced families had access to health-care services.

50. Mr. MOMBESHORA, referring to the core document (HRI/CORE/1/Add.28), said that he would like to know whether the high standard of living and health revealed by the socio-economic indicators applied also to the Turkish Cypriot community. Immunization programmes appeared to be aimed only at children under two and children of school age, and he would like to know whether such programmes existed for other children. He would also appreciate further information on the causes of child mortality in Cyprus and on the clinics intended mainly for children which specialized in the treatment of scoliosis.

51. He would like to know whether there were AIDS prevention programmes in schools and whether measures were taken to avoid discrimination against

young people with AIDS. In addition, how were the authorities combating discrimination in the private sector against the disabled? Lastly, with regard to international cooperation in the field of education, were there any student exchanges between Cyprus and other countries?

52. Mrs. BADRAN asked for further information about pupils who failed the university entrance examination. Were there other opportunities for them or did they have to give up their studies?

53. Ms. HADJIANASTASIOU (Cyprus) said that children needing medical care were treated without their parents' consent only in emergencies. In cases of abuse or ill-treatment, the Ministry of Health cooperated with the Department of Social Welfare Services and arranged directly for an examination and medical treatment. Teachers who noticed problems had a role to play, too, and could refer children to the Ministry of Health. There was also a telephone service for children to obtain information, in particular about drugs, and receive guidance. The family planning service likewise provided counselling and treatment to adolescents on their request. Various non-governmental organizations, such as the association for the prevention of violence, also helped children in difficulty.

54. The suicide rate among young people in Cyprus was very low, with only three suicide attempts having been recorded in 1995. There was little information on pregnancies among girls. Abortion, however, was legal only in very specific cases.

55. Immunization programmes covered the whole of the infant population, and in the case of children over two but below school age parents could arrange for them to have a medical check-up. Vaccinations were free and the syringes and vaccines were supplied in schools. The clinics referred to by Mr. Mombeshora catered for children suffering not only from scoliosis but also from other growth problems and the Government was planning to open a clinic with a special orthopaedic service.

56. AIDS was not a major problem in Cyprus. Emphasis was nevertheless placed on prevention, in cooperation with the Ministries of Health and Education. No cases of discrimination against people with AIDS had been reported in Cyprus, but there was certainly a need to make society more aware of the problem in order to eliminate any discriminatory attitudes. That was the aim of the media and the organizers of awareness-raising campaigns for young people.

57. Ms. PAPAONISIFOROU (Cyprus) said that a law had been passed in 1989 to protect the rights of mentally disabled persons and prevent discrimination against them. Awareness-raising campaigns had been launched recently and mentally-disabled persons had been invited on television discussion programmes to promote a better understanding of their situation. The parents of disabled children were also entitled to special help to enable them to keep their children at home and the children were given speech therapy, physiotherapy and special education. Furthermore, a new law on children with special needs would be put before the Council of Ministers and Parliament shortly for adoption.

58. In reply to Miss Mason, she said that there were no special institutions for girl victims of abuse in the family and generally speaking they were put in the care of members of their extended family, near relations or foster families.

59. With regard to the university entrance examination, candidates who failed could either enrol in a private school and prepare to resit the examination or pursue their studies abroad, and in any event could take the examination again the following year.

The meeting rose at 1 p.m.